

### **REMARKS**

The Office Action of August 8, 2005 has been studied in detail along with the references applied and cited by the Examiner. In response, selected claims have been amended (claims 1, 10, 14, 20, and 23). The pending claims should be read in conjunction with the accompanying arguments in support of patentability. Further examination and reconsideration of the application as amended are respectfully requested.

### **THE OFFICE ACTION**

Claims 1-22 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards the invention.

Claim 14 was rejected under 35 U.S.C. §102(b) as being anticipated by Weigel et al. (U.S. Patent No. 3,099,326).

Claims 23-24 were rejected under 35 U.S.C. §102(b) as being anticipated by Weldy (U.S. Patent No. 4,353,567).

Claims 1-6 and 10-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weldy in view of Weigel et al.

Claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weldy in view of Weigel et al., and further in view of Fekete et al. U.S. Patent No. 1,399,201).

Claims 15, 16, and 20-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weigel et al.

Claims 17-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weigel

et al., in view of Fekete et al.

#### **REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

The Examiner rejected claims 1-22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner specifically referenced claims 1 and 14 and the limitation of “the vehicle engine” in line 4 of each claim lacking insufficient antecedent basis. Applicants have amended claims 1 and 14 to correct the antecedent basis for this limitation.

The Examiner next remarked that the recitation of “lower end on an upper edge” is unclear. Applicants have amended claims 1 and 14 to clarify the phrase such that the claims are now definite.

The Examiner next remarked that claims 10 and 20 reciting that the first and second motor mount members are connected at “lower ends on an inside edge” of the primary side rails is unclear. Applicants have amended claims 10 and 20 to clarify the claim language, such that the claims are now definite.

#### **REJECTIONS UNDER 35 U.S.C. §102(b)**

The Examiner rejected claim 14 under 35 U.S.C. §102(b) as being anticipated by Weigel et al. As the Examiner is aware, Applicant’s invention provides for a frame arrangement for a three-wheeled vehicle including a box frame having primary and secondary side rails spaced from each other and joined at opposite ends by a front rail and a rear plate. Applicant has amended claim 14 by reciting “a plurality of mounting components adapted for mounting an

associated vehicle engine on the frame adjacent the front rail wherein the vehicle engine is mounted between said primary side rails and rearwardly of said front rail". Applicant's invention provides the stability and mounting arrangement for a typical associated vehicle engine and also provides for the support and mounting arrangement of a single front wheel assembly.

To the contrary, Weigel et al. does not provide for a vehicle motor mounted between the primary side rails and rearwardly of the front rail. Weigel includes a motor (27) mounted forwardly of the primary side rails and the front rail while being positioned above the front wheel assembly.

Applicant's frame arrangement is not anticipated nor made obvious by Weigel et al. Applicants submit that the pending independent claim 14, and all claims dependent therefrom, are not anticipated by Weigel et al. for at the least the reasons set forth above, and are allowable over this record art. Applicants accordingly request reconsideration and allowance thereof.

The Examiner next rejected claims 23-25 under 35 U.S.C. §102(b) as being anticipated by Weldy. Applicant's invention provides for a frame arrangement and engine mounting configuration (customarily provided by a four-wheeled vehicle) for a three wheel vehicle. In conjunction therewith, Applicant's three-wheeled vehicle includes a frame arrangement having a pair of primary side rails positioned in a plane. Applicants have amended claim 23 to recite a pair of connecting rods of different lengths pivotally connected between a steering bar and a rear mounting plate. The pair of connecting rods are positioned in a first plane. The primary side rails of the vehicle frame are positioned in a second plane. The first plane is generally parallel to, but not coplanar with the second plane. Additionally, independent claim 23 recites "said pair of connecting rods coplanar with said front steering bar". To the contrary, Weldy does not disclose

a frame arrangement including a pair of primary side rails. Further, Weldy does not provide for a pair of connecting rods of different lengths pivotally connected between a steering bar wherein the connecting rods are coplanar with the steering bar.

Applicants submit that the pending independent claim 23 and all claims dependent therefrom, are not anticipated nor made obvious by Weldy for at least the reason set forth above, and are allowable over this record art. Applicants accordingly request reconsideration and allowance thereof.

#### **REJECTIONS UNDER 35 U.S.C. §103(a)**

The Examiner rejected claims 1-6 and 10-13 under 35 U.S.C. §103(a) as being unpatentable over Weldy in view of Weigel et al.

Applicants have amended independent claim 1 and now recites “a plurality of mounting components adapted for mounting an associated vehicle engine on the frame adjacent to and rearwardly of the front rail”. Further, Applicants have amended claim 1 to recite “said pair of connecting rods coplanar with said front steering bar”. The above mentioned limitations are not described nor disclosed in either Weldy or Weigel et al. Combining Weldy with Weigel, even though not suggested, would not result in a frame and steering arrangement wherein an associated vehicle engine is mounted adjacent to and rearwardly of a front rail. Additionally, the combined references would not provide for a pair of connecting rods in the steering assembly which are coplanar with a front steering bar. Consequently, claim 1, and all claims dependent therefrom, define over any fair teachings attributable to the references either taken singularly or in combination. Contrary to the Examiner’s assertion, it would not be obvious to modify Weldy to have a plurality of mounting components to mount the vehicle engine adjacent the front rail so

that the engine can be secured to the frame and also to achieve a desirable center of gravity. The Examiner is using impermissible hindsight. Only Applicant's disclosure suggests an open box frame with primary and secondary rails spaced from each other and joined by a front rail in order to provide the basic body of the vehicle wherein an associated vehicle engine can be mounted on the frame adjacent to and rearwardly of the front rail while also providing for a steering assembly of a three-wheeled vehicle.

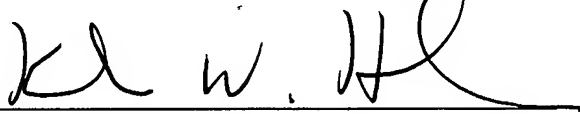
Claims 7-9 include further limitations wherein the frame includes a cross member mounted between a pair of angled side rails. The Examiner rejects claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over Weldy in view of Weigel et al., and further in view of Fekete et al. Fekete et al. is directed to an automobile frame member and frame. As such, Fekete et al. provides for an automobile frame which resists the diagonal twisting which an automobile may be subjected to when one front wheel and the opposite rear wheel are higher than the other two wheels. This occurs when the car is driven diagonally through a deep gutter or furrow or over a curbstone. (Page 1, lines 105-110, page 2, lines 1-2). While Weigel et al. and Weldy are directed at three-wheel vehicles, Fekete is directed at a four-wheeled vehicles. There is no suggestion to combine these three references. The only motivation to combine an open box frame with a steering mechanism for a three wheel vehicle is found in Applicant's disclosure. Using Applicant's disclosure to provide the motivation to combine references is impermissible hindsight.

Combining Weldy in view of Weigel et al. and further in view of Fekete et al. or combining Weigel et al. in view of Fekete et al., even if suggested, would not result in Applicant's device as recited in amended independent claims 1, 14, and 23. As such,

independent claims 1, 14, and 23, and all claims dependent therefrom, define over any fair teachings attributable to the references either taken singularly or in combination.

All formal and informal matters having been addressed, this application is in condition for allowance. Early notice to that effect is listed.

Respectfully submitted,  
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A handwritten signature in black ink, appearing to read 'Karl W. Hauber', written over a horizontal line.

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